

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.**

SUMMARY SUIT NO.1797 OF 2001

Mr. P.G. Shroff.	...Plaintiff.
Vs.	
M/s. Esteem Carpets.	...Defendant.
....	
Mr. Sanjay Udeshi for the Plaintiff.	
None for the Defendant.	

CORAM : DR.D.Y.CHANDRACHUD, J.
9th April 2007.

P.C.:

The suit under Order 37 of the Code of Civil Procedure, 1908, is based on a Bill of Exchange drawn by the Defendant in the amount of Rs.50,000/- for consideration. The Defendant paid the last amount towards interest on 13th March 2000. The suit was instituted on 16th April 2001. A notice of demand was issued on 28th November 2000 to which there is no reply.

The Defendant has been served with the writ of summons and an affidavit of service has been filed. The Plaintiff has tendered a compilation of the original documents upon which the claim has been duly established. The Defendant having failed to enter appearance despite service of writ of summons, the

Plaintiff would in any event be entitled to a decree under Order 37 of the Code of Civil Procedure, 1908. The suit shall accordingly stand decreed in terms of prayer clause (a), subject to a modification that the Plaintiff would be entitled to interest at the rate of 9% per annum from the date of the suit until payment or realisation.

Refund of Court fee, if any, as per rules.

Issuance of a certified copy of the decree is expedited.

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